

REMARKS

Claims 1-13 are all the claims pending in the application. This Response, submitted in reply to the Office Action dated May 7, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3 and 7-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaminkow et al. (U.S. 2003/0195045; henceforth “Kaminkow”), and further in view of JP 2001-054612 (henceforth “JP ‘612”). Applicant respectfully traverses this rejection.

Claim 1

Claim 1 recites:

A gaming machine, comprising:

a plurality of reels, each of which variably presents a plurality of symbols;
and

a cover body, **formed with a plurality of observation windows, each for viewing said variably presented plurality of symbols**, the cover body covering the reels such that **the reels are selectively viewed through at least one of the plurality of observation windows in accordance with a condition of a game**.

In other words, an exemplary apparatus consistent with claim 1 includes a cover body which has at least two windows through which symbols presented by a plurality of reels are viewed. Further, the body covers the reels so that they are selectively viewed through at least one of the observation windows based on game conditions. Figure 2, for example, provides an exemplary embodiment of this structure by showing a body 2 having observation windows 5a and 7a through which the symbols of the reels 3a, 3b, and 3c can be selectively viewed. *See* page 9, line 2-page 10, line 22.

In rejecting claim 1, the Examiner asserts that Kaminkow teaches all of the features claimed. The Examiner also relies on JP '612 for some features recited in claim 3, as discussed below. Applicant submits that the Examiner has misconstrued both applied references.

Kaminkow is directed to a gaming machine provided with a housing and a display panel having permanent and transient indicators. *See* Paragraph [0002]. Specifically, Kaminkow describes a housing 12 having a screen 14 and a lower portion 13. *See* Paragraphs [0015]-[0016] and Fig. 1. The Examiner asserts that the lower portion 13 and the screen 14 teach the claimed plurality of windows.

However, Kaminkow describes the screen 14 having permanent indicia 30, illuminated by back lights 18 and transient indicia 46, 47, which are rotated by a back wheel 40. *See* Figs. 1 and 2 and paragraph [0016]. Further, Kaminkow describes the lower portion 13 may have spinning rotors or an electronic simulation of rotating reels, or other desired games, which may activate the permanent display 30 of the upper screen 14, if a game is won. *See* paragraph [0018]. In other words, Kaminkow teaches a game machine for executing a game and having a lower portion 13, which displays a game to be played. Further, winning the game can trigger lights and indicators on a permanent display screen 14 located above the lower portion.

Kaminkow provides no teachings that any reels which can be viewed through the lower portion 13 can also be viewed through screen 14. Instead, Kaminkow teaches a separate display 14, which may be activated by winning a game in the lower portion 13. Therefore, Kaminkow does not teach or even suggest “a cover body, **formed with a plurality of observation windows, each for viewing said variably presented plurality of symbols**, the cover body covering the reels such that **the reels are selectively viewed through at least one of the plurality of observation windows in accordance with a condition of a game**” as claimed.

Further, as Applicant has previously argued, and the Examiner has acknowledged, JP '612 also does not teach this feature of claim 1 and therefore does not cure this deficiency of Kaminkow.

Therefore, Applicant submits that claim 1, and all claims dependent thereon are patentable for at least this reason. Further to the extent that claims 2 and 3 recite features similar to those discussed above, Applicant also submits that claims 2 and 3, and all claims dependant thereon, are patentable over the combination of Kaminkow and JP '612 for analogous reasons.

Claim 3

Further, claim 3 also recites, *inter alia*:

a **first light source, disposed inside the reels to emit visible light;** and
a **second light source, disposed outside the reels to emit ultraviolet light,** wherein:

the symbols provided with the reels includes first symbols visualized by the visible light and second symbols visualized by the ultraviolet light; and

the observation windows includes a first observation window through which the first symbols are viewed, and a second observation window through which the first symbols and the second symbols are viewed.

In other words, an exemplary apparatus consistent with claim 3 includes a visible light source, which illuminates the reels from the side, and an ultraviolet (UV) light source, which illuminates the symbols externally. Further, the reels include both symbols which are visible under visible light and symbols which are visible under UV light and the observation windows are arranged so that the symbols visible under visible light can be viewed from one window and both the symbols visible under visible light and the symbols visible under UV light can be viewed through the second window.

With respect to these features, the Examiner asserts that Kaminkow teaches visible and ultraviolet light sources, but acknowledges that the specific arrangement claimed is not taught.

However, the Examiner asserts that the arrangement claimed is merely a rearrangement of parts and is thus obvious under *In re Japikse*. The Examiner also asserts that both Kaminkow and JP ‘612 teach separate symbols visible under different types of light sources. Applicant submits that the Examiner has misconstrued the applied references.

Kaminkow describes UV and visible light sources (16 and 18 respectively), which provide rear illumination to the upper screen 14. *See* Fig. 1 and paragraph [0018], line 6-18. However, Kaminkow provides no teachings regarding having multiple light sources to illuminate the reels, which Kaminkow describes being placed in lower portion 13, both **externally and internally**, as claimed. In other words, Kaminkow teaches using visible and UV light to illuminate the permanent display on the upper screen 14, but does not teach or even fairly suggest using visible and UV light sources to illuminate the reels in the lower portion 13.

Further, Applicant also submits that it is improper for the Examiner to assert that positioning the light sources as recited in claim 3 is obvious in view of *In re Japikse*. *In re Japikse*, (181 F.2d 1019, 86 USPQ 70 (CCPA 1950)) merely held “[c]laims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable **because shifting the position of the starting switch would not have modified the operation of the device**”. *See* MPEP 2144. In other words, in *Japikse*, the rearrangement of parts was obvious “because shifting positions ...**would not have modified the operation of the device**”.

Applicant respectfully submits that placing a visible light source within the reels, and a UV light source outside of the reels, would clearly effect the operation of the device as the reels are illuminated from different directions by different types of light. Further, as discussed above, Kaminkow teaches using visible 18 and UV light sources 16 to illuminate a permanent display

14 located apart from the reels which are viewable through the lower portion 13. *See* Fig. 1. Applicant also submits that moving these light sources to illuminate the reels, rather than the permanent display 14 would clearly change the operation of Kaminkow. Thus, Applicant respectfully submits that *Japikse* is inapplicable to this Application.

Further, Applicant also submits that there is no motivation why a person of ordinary skill in the art would modify Kaminkow to configure the placement of a visible light source and a UV light source as claimed, in view of Kaminkow's teachings regarding illuminating an upper display and not reels located below the display. Further, Applicant submits that JP '612 does not provide any teachings regarding placing a visible light source and a UV light source as claimed and thus JP '612 does not cure the above discussed deficiencies. Therefore, Applicant submits that claim 3, and all claims dependent thereon, are patentable over Kaminkow and JP '612 for these additional reasons.

Claims 4-6, and 13

Claim 4-6 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaminkow and JP '612, and further in view of JP 2002-200243 (hereinafter JP '243). Applicant respectfully traverses this rejection.

Claims 4-6 and 13 all depend from claim 3, which has been shown above to be patentable over the Kaminkow and JP '612 references. The JP '243 reference does not cure the deficiencies of the other references. Therefore, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency and respectfully requests that the rejection of these claims be withdrawn.

Claim 12

Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaminkow and JP '612, and further in view of Schultz (U.S. Publication 2006/0205479).

Applicant respectfully traverses this rejection.

Applicant notes that Schultz is a U.S. patent application filed on March 11, 2005. Conversely, the present application claims priority from JP 2003-126087, filed on April 30, 2003. Further, a verified English translation of JP 2003-126087 was filed with the Response under 37 C.F.R. § 1.116 on April 14, 2009.

As **Shultz was filed after the filing date of JP 2003-126087** and a verified English translation of JP 2003-126087, which fully supports the subject matter of this application, has already been filed, Applicant submits that **Shultz is not available as prior art**. Therefore, claim 12 is patentable over Schultz for at least this reason and Applicant requests that this rejection be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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